

REMARKS/ARGUMENTS

Claims 1 and 10 have been amended herein. All amendments are fully supported within the specification.

Claims 1-6 and 10-14 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Design Patent No. 417,845. Specifically, regarding claims 1-6 and 10-14 the Examiner states:

Sadlier et al. disclose, in figs. 1 and 2, a lid comprising a top surface, side surface, lip engaging portion, a depressed area and drinking straw substantially as claimed.

Although Sadlier illustrates a lid having one depressed area formed in the top surface of the lid, the figures of Sadlier do not illustrate that the depressed area has a sufficient depth or can be used for receiving and containing foodstuff. Applicants would like to draw the attention of the Examiner to the amendments made herein.

Claims 1-6, 9-14 and 16 are rejected under 35 U.S.C. §103(a) as being unpatentable over Olivar (US 2004/149755) or Thompson (5,722,558) in view of Sadlier et al. Specifically, regarding claims 1-6, 9-14 and 16 the Examiner states:

Olivar or Thompson discloses a plastic lid comprising at least one depressed area formed on a top surface for receiving and containing foodstuff. Olivar or Thompson does not disclose the lid with the top and side surface and lip-engaging portion as claimed. Sadlier teaches a lid with top and side surface and a lip-engaging portion as claimed.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lid of Olivar or Thompson with top and side surface and a lip-engaging portion as claimed, as taught by Sadlier, in order to facilitate of engaging of the lid to the container.

Applicant respectfully traverses. Thus, the Examiner has combined Olivar with Sadlier and Thompson with Sadlier to reject independent claims 1 and 10. Olivar and Thompson both teach lids for cups that include depressed areas for receiving foodstuff. However, Applicant draws the Examiner's attention to the fact that Olivar and Thompson both fail to teach the lip-engaging portion as recited in independent claims 1 and 10. Thus, there is no motivation to combine Sadlier with Olivar or Thompson because Sadlier fails to illustrate a depressed area for

receiving and containing foodstuff. Thus, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Claims 7, 8 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sadlier et al. in view of Wlodarski (6,361,746). Specifically, regarding claims 7, 8 and 15 the Examiner states:

Wlodarski teaches a marker of information on lid. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lid of Sadlier with a marker of information, as taught by Wlodarski, in order to provide a decoration and information of the container on the lid.

Claims 7, 8 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Olivar or Thompson in view of Sadlier et al. and further in view of Wlodarski. Specifically, regarding claims 7, 8 and 15 the Examiner states:

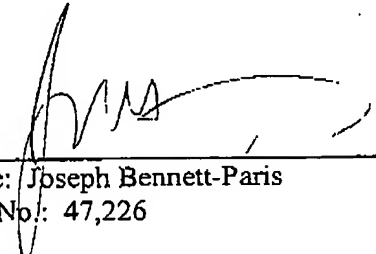
Wlodarski teaches a marker of information on lid. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lid of Olivar or Thompson in view of Sadlier et al. with a marker of information, as taught by Wlodarski, in order to provide a decoration and information of the container on the lid.

Applicant respectfully traverses these rejections and draws the Examiner's attention to the fact that Olivar, Thompson, and Sadlier fail to teach that the top surface of the lid includes information indicative of a business or the beverage in the cup. Furthermore, Wlodarski teaches a medical specimen tote having a "Biohazard" designation on the top surface of the cover. IN addition, Wlodarski does not teach that the cover includes information indicative of a business or the type of beverage included within the cup. Instead, Wlodarski teaches including a descriptive term such as "Biohazard" on the cover to indicate that the material within the tote is a biohazard. Thus, Applicant respectfully requests reconsideration and withdrawal of these rejections.

CONCLUSION

Should the Examiner have any questions or comments, please contact the undersigned at 404-954-5100.

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